

Overview of MassDEP Proposed Revisions to Stage I/Stage II Regulations

Stakeholder Meeting – March 27, 2013

Definitions: 310 CMR 7.00

Revisions are proposed for a number of existing terms and the following new terms are proposed to be added:

Stage I Enhanced Vapor Recovery (EVR) System

Stage I Non-Enhanced Vapor Recovery (EVR) System

Stage I System

Stage I Minor Modification

Stage I Routine Maintenance

Stage I Substantial Modification

Stage II: Proposed Revisions to 310 CMR 7.24(6)

- No gasoline dispensing facility (GDFs) shall install Stage II after effective date of regulation.
- All GDFs must decommission Stage II systems within 2 years of the effective date of the regulation.
- If a GDF requests an extension of time beyond the 2 year decommissioning deadline due to financial hardship, MassDEP may grant up to 1 additional year.
- Decommissioning requirements are consisting with Petroleum Equipment Institute recommended practices.
- Revisions Incorporate MassDEP's July 2, 2012 enforcement discretion letter.

Stage I: Proposed Revisions to 310 CMR 7.24(3)

Applicability - 310 CMR 7.24(3)(a)

- Stage I Systems are required for GDFs with a fuel storage tank with a capacity >250 gallons.
- GDFs with annual throughput <500,000 gallons:
 - May have a Non-EVR Stage I System or a Stage I EVR System.
 - CARB Executive Orders (EOs) applicable to Non-EVR or EVR Systems are listed in 7.24(3)(b).
- New GDFs with annual throughput >500,000 must have a CARB-certified Stage I EVR System. Applies to any GDF where a fuel storage tank is installed after the effective date of regulation.
- Existing GDFs with annual throughput >500,000 within 5 years of exceeding the fuel throughput threshold, must install one of two types of Stage I EVR Systems:
 - a CARB-Certified Stage I EVR pursuant to a CARB Stage I EVR EO; or
 - a third-party certified Stage I EVR System. *(Third party requirements are in 7.24(3)(c).)*

- A Stage I Component System is also being considered, but is not addressed in the draft revisions. This would allow mix and match of CARB Stage I EVR certified components that have not been certified as a system. Would be subject to semi-annual Stage I System tests vs. annual for CARB or third-party certified Stage I EVR Systems. *(Tests are listed in 7.24(3)(d)1.)*

Installation, Operation, Maintenance and Record Keeping – 310 CMR 7.24(3)(c)

- All GDFs with a Stage I System would be required to:
 - Install a CARB-Stage I EVR pressure vacuum vent valve; and
 - Install CARB Stage I EVR rotatable product and vapor adaptors.
 - These must be installed upon decommissioning of Stage II, or within 45 days of the effective date of the regulation if the GDF has already decommissioned.
- Submerged filling requirements revisions to specify the fill pipe discharge angle and location from bottom of storage tank.
- Upon a Substantial Modification multiple tanks must be manifolded with a vapor tie space bar. New tanks must have a two-point Stage I System.
- Stage I Systems are subject to requirements related to installation, operations, maintenance, testing and repairs as per:
 - The applicable CARB Executive Orders (EOs) (for either Non-EVR or EVR Systems; or
 - The terms and conditions of the third-party certification.
- Third-party certifications: an independent engineering firm may test and certify that a Stage I System (a mix and match of CARB-certified components) achieves 98% control efficiency. Submit certification to MassDEP at least 60 days before installation with all supporting documentation. Certification would provide requirements related to all aspects of the Stage I System as CARB EOs do for CARB-certified systems.
- Visual Inspections required weekly and within 24- hours of a fuel drop.

Other Requirements

The existing Stage II requirements in 310 CMR 7.24(6) related to the following areas are proposed for adoption in 310 CMR 7.24(3) Stage I System requirements with some revisions. For example, record keeping and practical turnaround times for those requirements.

- Record Keeping
- Stage I Annual Compliance Testing and Certification
- Notification Requirements
- Stage I System Responsible Official
- Compliance Testing Company Requirements